



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1898/2
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2015 ASSEMBLY BILL 238

May 27, 2015 – Introduced by Representatives HEATON, BALLWEG, T. LARSON, QUINN, KLEEFISCH, SUBECK, KNODL, KITCHENS, JACQUE, SPIROS and MURPHY, cosponsored by Senators COWLES and LASSA. Referred to Committee on Children and Families.

1 **AN ACT** *to repeal* 769.904; *to amend* 769.101 (6), 769.103 (1), 769.307 (2) (intro.),
2 769.501, 769.502 (3) (b), 769.506 (2) (c), 769.506 (2) (d), 769.611 (1) (a) 1. and
3 769.708 (3) (intro.); *to create* 769.101 (13p) of the statutes; and *to affect* 2009
4 Wisconsin Act 321, section 172m (1c) and 2009 Wisconsin Act 321, section 172m
5 (2); **relating to:** the effective date of amendments to the Uniform Interstate
6 Family Support Act.

Analysis by the Legislative Reference Bureau

2009 Wisconsin Act 321 amended the Uniform Interstate Family Support Act (UIFSA) primarily to clarify UIFSA's application to foreign countries, in recognition of and in conformity with the ratification by the United States of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the convention), concluded at The Hague on November 23, 2007. Under 2009 Wisconsin Act 321, the amendments to UIFSA do not go into effect until the day the United States deposits the instrument of ratification for the convention. This bill makes the amendments go into effect on the day the United States deposits the instrument of ratification for the convention or on December 18, 2015, whichever

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is earlier. The bill also makes some minor technical modifications to more closely align the language of the statutes with the language of UIFSA.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 769.101 (6) of the statutes is amended to read:

2 769.101 (6) “Income-withholding order” means an order, notice, or other legal
3 process directed to an obligor’s employer or other debtor, as specified in s. 767.75 (1f),
4 to withhold support from the income of, or other money owed to, the obligor.

5 **SECTION 2.** 769.101 (13p) of the statutes is created to read:

6 769.101 (13p) “Person” means an individual, corporation, business trust,
7 estate, trust, partnership, limited liability company, association, joint venture,
8 public corporation, government or governmental subdivision, agency,
9 instrumentality, or any other legal or commercial entity.

10 **SECTION 3.** 769.103 (1) of the statutes, as affected by 2009 Wisconsin Act 321,
11 is amended to read:

12 769.103 (1) Remedies provided by this chapter are cumulative and do not affect
13 the availability of remedies under other law or the recognition of a foreign support
14 order on the basis of comity.

15 **SECTION 4.** 769.307 (2) (intro.) of the statutes, as affected by 2009 Wisconsin
16 Act 321, is amended to read:

17 769.307 (2) (intro.) A support enforcement agency of this state that is providing
18 services to the petitioner shall do all of the following as appropriate applicable:

19 **SECTION 5.** 769.501 of the statutes, as affected by 2009 Wisconsin Act 321, is
20 amended to read:

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1 **769.501 Employer's receipt of income-withholding order of another**
2 **state.** An income-withholding order issued in another state may be sent by or on
3 behalf of the obligee, or by the support enforcement agency, to the obligor's employer
4 or other debtor, as specified in s. 767.75 (1f), without first filing a petition or
5 comparable pleading or registering the income-withholding order with a tribunal of
6 this state.

7 **SECTION 6.** 769.502 (3) (b) of the statutes is amended to read:

8 769.502 (3) (b) The person ~~or agency~~ designated to receive payments and the
9 address to which the payments are to be forwarded.

10 **SECTION 7.** 769.506 (2) (c) of the statutes is amended to read:

11 769.506 (2) (c) Except as provided in par. (d), the person ~~or agency~~ designated
12 to receive payments in the income-withholding order.

13 **SECTION 8.** 769.506 (2) (d) of the statutes is amended to read:

14 769.506 (2) (d) If no person ~~or agency~~ is designated to receive payments in the
15 income-withholding order, the obligee.

16 **SECTION 9.** 769.611 (1) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
17 321, is amended to read:

18 769.611 (1) (a) 1. The Neither the child, nor the obligee who is an individual,
19 and nor the obligor ~~do not reside~~ resides in the issuing state.

20 **SECTION 10.** 769.708 (3) (intro.) of the statutes, as affected by 2009 Wisconsin
21 Act 321, is amended to read:

22 769.708 (3) (intro.) If a tribunal of this state does not recognize a convention
23 support order under sub. (2) (b), (d), (f), or (i), both of the following apply:

24 **SECTION 11.** 769.904 of the statutes, as created by 2009 Wisconsin Act 321, is
25 repealed.

ASSEMBLY BILL 238**SECTION 12**

SECTION 12. 2009 Wisconsin Act 321, section 172m (1c) is amended to read:

[2009 Wisconsin Act 321] Section 172m (1c) This Except as provided in subsection (2), this act takes effect on the date stated in the notice published in the Wisconsin Administrative Register under section 769.904 of the statutes, as created by this act, or on December 18, 2015, whichever is earlier.

SECTION 13. 2009 Wisconsin Act 321, section 172m (2) is created to read:

[2009 Wisconsin Act 321] Section 172m (2) The creation of section 769.904 of the statutes takes effect on the day after publication.

SECTION 14. Effective date.

(1) This act takes effect on December 18, 2015.

(END)